IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 4987 of 2007(S)

PETITIONERS:

1. FR.THOMAS VIRUTHIYIL (VAZHIYACHAN),
   AGED 76 YEARS, (CONVENOR OF RURAL ROADS AND
   BRIDGES), KALLARA P.O., KOTTAYAM DISTRICT.

2. SRI.THOMMAN THOMAS,
   S/O.THOMMAN, AGED 67 YEARS,
   PAZHEYA VETTIL HOUSE, ANAMALA KARA,
   ATHIRAMPUZHA VILLAGE, KOTTAYAM TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   THE PRINCIPAL SECRETARY TO GOVERNMENT,
   WATER RESOURCES, (M.B) DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER, OFFICE OF
   CHIEF ENGINEER, PROJECT-2, MUVATTUPUZHA
   VALLEY IRRIGATION PROJECT, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
   MUVATTUPUZHA VALLEY IRRIGATION PROJECT,
   (MVIP), DIVISION NO.V., KURUPPANTHARA,
   MANJOOR P.O., KOTTAYAM DISTRICT.

SENIOR GOVERNMENT PLEADER SMT. MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 4987 OF 2007

Dated this the 11th June, 2007

JUDGMENT

H.L.DATTU, C.J.

Petitioner, a public spirited citizen, is before this Court for the following reliefs. They are as under:

> "(i) issue a writ of mandamus or other appropriate writs, orders or directions commanding the 1st respondent to accord necessary approval and sanction to Ext.P8 action plan for the year 2006-2007 forthwith accepting Ext.P10 explanation offered by the 2nd respondent in order to enable the completion of the M.V.I.P project including the distributories thereto as proposed in Ext.P8.
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> (ii) Declare that Ext.P9 issued by the Principal Secretary to Govt. that too after 4 months of the submission of Ext.P8 action plan for the year 2006-07, occasioning to cause delay in the completion of the works proposed to be completed during the current financial year is quite unreasonable and unsustainable and arbitrary.
>
> (iii) issue appropriate writ orders or direction commanding the respondents to complete the entire works of the Kurumalloor Major Distributory as proposed in Ext.P8 during the financial year itself without deferring any portion of the work for any of the reasons offered in Ext.P9."

2. When the matter was posted before this Court for admission, the learned Government Pleader was directed to submit before this

Court after obtaining appropriate instructions from the officers of the State Government.

3. The matter is now posted before Court for admission. Learned Government Pleader appearing for the respondents, on instructions, would submit that the first respondent has already accorded approval and sanction for the action plan for the year 2006-07 and that the work has already been started. She further states that the alignment of the work is as was done earlier.

4. We do not doubt the correctness of the submission made by the learned Government Pleader.

5. Placing on record the submission made by the learned Government Pleader, the writ petition is disposed of as become unnecessary.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/